

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

2:92-cr-0315-GEB-PAN (JFM)-P

vs.

CHARLES D. MATLOCK,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On February 8, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. By order filed March 2, 2006, movant was granted an extension of time until March 18, 2006, to file objections. On March 27, 2006, this court issued an order that, inter alia, adopted in full, and without objection, the February 8, 2006, findings and recommendations. On the same day, a motion for a second extension of time filed by movant on March 24, 2006, was entered on the record herein, as were objections to the findings and recommendations, filed by movant on

1 March 27, 2006.¹ Good cause appearing, that part of court's March 27, 2006, order adopting the
2 February 8, 2006, findings and recommendations will be vacated.² Movant's March 24, 2006,
3 motion for an extension of time will be granted and his March 27, 2006, objections deemed
4 timely filed.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
6 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
7 file, the court finds the findings and recommendations to be supported by the record and by
8 proper analysis. Accordingly, the findings and recommendations will be adopted in full.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. That part of this court's March 27, 2006, order that adopted without objection
11 findings and recommendations filed February 8, 2006, and thereby denied movant's June 25,
12 1998 motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is vacated;

13 2. Movant's March 24, 2006, motion for an extension of time is granted;

14 3. Movant's March 27, 2006, objections are deemed timely filed;

15 4. After de novo review, the findings and recommendations filed February 8,
16 2006, are adopted in full; and

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23 ¹ Movant's first request for extension of time, granting him until March 18, 2006 to file
24 objections to the findings and recommendations, was granted by order filed March 2, 2006. The
25 certificate of service appended to movant's second motion for extension of time is dated March 18,
26 2006 and is therefore deemed filed within the time set by the March 2, 2006 order for filing
objections. See Houston v. Lack, 487 U.S. 266 (1988).

² In the same order, the court denied a July 19, 2004 motion for reconsideration of an order
by the magistrate judge filed June 30, 2004. That part of this court's order will not be vacated.

1 5. Movant's June 25, 1998, motion to vacate, set aside or correct his sentence
2 pursuant to 28 U.S.C. § 2255 and his June 1, 1999, supplemental § 2255 motion are denied.

3 Dated: April 3, 2006

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5 /s/ Garland E. Burrell, Jr.
6 GARLAND E. BURRELL, JR.
7 United States District Judge
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